

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

DERWIN T. GRIGGS, #198159,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO. 3:07cv691-MHT
) (WO)
MAJOR CLAY STEWART, et al.,)
)
Defendants.)

ORDER

On May 22, 2009 (Doc. # 19), the magistrate judge filed a recommendation in this case to which no timely objections have been filed. Upon an independent and de novo review of the file in this case and upon consideration of the recommendation of the magistrate judge, it is ORDERED and ADJUDGED that the recommendation of the magistrate judge (Doc. # 19) is adopted and that:

1. Defendants' motion for summary judgment (Doc. # 10) is granted to the extent that defendants seek dismissal of this case due to plaintiff's failure to properly exhaust an administrative remedy previously available to him at the Chambers County Jail.
2. This case is dismissed in accordance with the provisions of 42 U.S.C. § 1997e(a) for plaintiff's failure to exhaust an administrative remedy available to him during his confinement in the Chambers County Jail.

It is further ORDERED that costs are taxed against plaintiff, for which execution may issue.

Done this the 17th day of June, 2009.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE